



TOWN OF TEWKSBURY BOARD OF HEALTH

Raymond Barry, Chairman
Charles Roux, Vice Chair
Christine Kinnon, Clerk
Kathleen M. Brothers
Phillip L. French

DEPARTMENT OF COMMUNITY DEVELOPMENT

MEETING MINUTES November 19, 2015

The meeting was called to order by Raymond Barry, Chairman, at 6:04 p.m. at the Tewksbury Senior Center. Present at the meeting were Charles Roux, Vice-Chairman, Christine Kinnon, Clerk, Kathleen Brothers, Phillip French, and Lou-Ann Clement, Board of Health Director.

Mr. Barry suggested taking the agenda out of order to address the continued public hearing on 80 Lancaster Drive.

MOTION: Ms. Kinnon made the motion to take the agenda out of order to address 80 Lancaster Drive first; seconded by Mr. French and the motion unanimously carried 5-0.

Continued Public Hearing

Public Hearing continued to obtain a permit and variance under Sections 6.16 and 8.4 for the Tewksbury Board of Health Regulations for Keeping Animals.

Location: 80 Lancaster Drive, Tewksbury, MA

Applicant: Ms. Jennifer S. MacCaughey, 80 Lancaster Drive, Tewksbury, MA

Mr. Barry read the legal notice aloud.

Ms. Clement explained that after the previous hearing some new information came to light that livestock, including chickens, are not allowed under this type of zoning. A meeting occurred with Steve Sadwick, Community Development Director, Edward Johnson, Building Commissioner, Mr. Barry, and Town Counsel. The applicant was informed that the chickens would have to be removed and this has been done. The applicant is requesting to withdraw the application.

Mr. Barry opened the hearing to the public.

Kerry Gamby of 98 Livingston Street came forward and noted that after the last hearing she realized that she has been fighting with flies all summer long. Every time she opens her side door, flies are coming in from where the chickens were kept. Ms. Gamby requested this area be cleaned up. Ms. Clement explained that while there is nothing that prevents the compost pile

from being kept, the applicant will be required to clean the area and the town sanitarian will monitor this.

MOTION: Mr. French made the motion to withdraw the application to obtain a permit and variance under Sections 6.16 and 8.4 for the Tewksbury Board of Health Regulations for Keeping Animals, Jennifer S. MacCaughey 80 Lancaster Drive, Tewksbury, MA; seconded by Ms. Brothers and the motion unanimously carried 5-0.

MOTION: Ms. Kinnon made the motion to close the public hearing for Jennifer S. MacCaughey, 80 Lancaster Drive, for an application to obtain a permit and variance under Sections 6.16 and 8.4 for the Tewksbury Board of Health Regulations for Keeping Animals; seconded by Ms. Brothers and the motion unanimously carried 5-0.

Public Hearing

Public hearing to obtain a variance of the Tewksbury Board of Health regulations Chapter 7 Dumpsters Section 7.7 Enclosure subsection 7.7.1 Dumpster shall be enclosed on all four sides with a 6' fence and servicing door.

Location: Oakdale Plaza, 1900 Main Street, Tewksbury, MA

Applicant: Demoulas Supermarkets, 1900 Main Street, Tewksbury, MA

MOTION: Ms. Brothers made the motion to open the public hearing for Demoulas Supermarkets, 1900 Main Street, for a variance from the Tewksbury Board of Health Regulations Chapter 7 Dumpsters Section 7.7 Enclosure subsection 7.7.1 dumpster shall be enclosed on all four sides with a 6' fence and servicing door; seconded by Ms. Kinnon and the motion unanimously carried 5-0.

Present was Ting Chang on behalf of Demoulas Supermarkets.

Ms. Clement explained that this variance request is for a portion of the plaza; the two compactors behind Market Basket as well as a grease tank. All three units are self-contained, enclosed and cannot be accessed from the outside.

Ms. Chang noted that all of the other dumpsters on site will have a fence and explained that the variance is just for the two compactors and the grease tank.

Mr. Barry noted the retaining wall does not hide the dumpster and Ms. Ting confirmed this. Ms. Clement explained that any abutters that came to the office with concerns were shown the plan and would respond "that's it".

It was the consensus of the members that a fence would look worse.

MOTION: Mr. French made a motion to approve Demoulas Supermarkets, 1900 Main Street, for a variance from the Tewksbury Board of Health Regulations Chapter 7 Dumpsters Section 7.7 Enclosure subsection 7.7.1 dumpster shall be enclosed on all four sides with a 6' fence and servicing door; seconded by Ms. Kinnon and the motion unanimously carried 5-0.

MOTION: Mr. French made the motion to close the public hearing for Demoulas Supermarkets, 1900 Main Street, for a variance from the Tewksbury Board of Health Regulations Chapter 7 Dumpsters Section 7.7 Enclosure subsection 7.7.1 dumpster shall be enclosed on all four sides with a 6' fence and servicing door; seconded by Ms. Brothers and the motion unanimously carried 5-0.

Introduction

Maria Ruggerio, Tewksbury Police Department – Substance Abuse Prevention Collaborative

The members introduced themselves to Ms. Ruggerio.

Mr. Barry discussed an incident, which his son witnessed recently at a local Wendy's, where an individual had overdosed and the paramedics had to administer Narcan.

Ms. Ruggerio explained that performing CPR on an individual who has overdosed is no longer recommended and explained why and noted that rescue breathes need to be taught. Ms. Ruggerio discussed the Massachusetts Abuse Opioid Overdose Prevention Collaborative and explained that this is a new initiative concentrating on preventative for teens and young people. Ms. Ruggerio provided the members with documentation illustrating the intent of the grant and noted that it has been proven that reducing underage drinking also reduces drug use. The Massachusetts Opioid Abuse Prevention Collaborative is made up of Tewksbury, Lowell, Dracut, Billerica, Chelmsford, Westford, and Wilmington. The Substance Abuse Presentation Collaborative is made up of Tewksbury, Lowell, Dracut, and Chelmsford. It was noted that other community involvement is anticipated.

Mr. Barry asked if this is a three year grant and Ms. Ruggerio confirmed this and explained that there is also an opportunity for a four year extension resulting in a seven year period total.

Discussion took place on the involvement with the schools and the importance of this. Ms. Kinnon noted that in the past the school department has been helpful in distributing information to the parents. Ms. Ruggerio discussed some of the focus groups that have been created for children.

Ms. Ruggerio provided the members with some questions regarding current issues in town and requested each member complete the form and return it to her.

Discussion took place on individuals who become addicted to medications as the result of surgeries, injuries, etc.

Old Business

7:00 PM Proposed amendments Chapter 11 Tobacco Control – Restricting the Sale of Tobacco Products & Nicotine Delivery Products and Chapter 12 Tobacco Control – Prohibiting Smoking in Workplaces and Public Places

Discussion took place on the need for regulations on vapor shops. Ms. Clement noted that she will be retiring and suggested waiting until the new director has been hired to make the changes to the regulations. Mr. Barry suggested the Board move forward with the tobacco regulations at its own discretion and noted that the regulations need to be brought current regardless of when a new director is brought on.

Mr. Barry suggested possibly holding two meetings a month to allow to review the tobacco regulations. It was suggested that Ron Beauregard be invited to the meetings.

MOTION: Ms. Brothers made the motion to table Proposed amendments Chapter 11 Tobacco Control – Restricting the Sale of Tobacco Products & Nicotine Delivery Products and Chapter 12 Tobacco Control – Prohibiting Smoking in Workplaces and Public Places to January 14, 2016 at 6:00 p.m.; seconded by Mr. Roux and the motion uniamiously carried 5-0.

Board Member Reports:

Other Business:

- **Adoption of the policy “Tewksbury Farmer’s Market Guidance and Requirements”**

MOTION: Ms. Brothers made the motion to adopt the policy of “Tewksbury Farmer’s Market Guidance and Requirements; seconded by Mr. Roux and the motion unanimously carried 5-0.

- **December 7, 2015 BOH scheduled BOH meeting**

MOTION: Ms. Brothers made the motion to cancel the December 7, 2015 Board of Health scheduled meeting; seconded by Mr. Roux and the motion unanimously carried 5-0.

- **Quarterly Reports**

Ms. Clement noted that this will be her last presentation of quarterly reports.

MOTION: Ms. Kinnon made the motion to approve the third quarter report; seconded by Mr. French and the motion unanimously carried 5-0.

- **1699 Shawsheen Street**

Mr. Barry noted that there will be no December meeting and the 90 day period for 1699 Shawsheen Street will run out. Ms. Clement confirmed this and noted that they took their sample today. The two month sample came in lower than anticipated and they continue to move forward.

Mr. Roux asked if the town engineer is on board with this and expressed concerns with the retaining wall. Ms. Clement noted that the Town Engineer has also expressed concerns.

- **Chicken/Livestock zoning status**

Mr. Barry explained that as a the result of the meeting that took place with Mr. Sadwick, Mr. Johnson, Town Counsel and letters are being sent out to four people. Five acres or more regardless of how zoned is required in order to keep livestock. Town Counsel is working out the issue as to whether a chicken is considered a pet or livestock. Town Counsel has suggested the definition of pet be put into the regulations as soon as possible.

Adjourn

MOTION: Mr. Roux made the motion to adjourn at 8:20 p.m.; seconded by Ms. Brothers and the motion unanimously carried 5-0.

Approved: June 16, 2016